

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FERNANDO GUZMAN REYEROS,

Plaintiff,

v.

MANUEL TAJON,

Defendant.

Case No. [18-cv-01529-WHO](#) (PR)

ORDER OF DISMISSAL

This federal civil rights action will be dismissed because plaintiff Reyerros has failed to comply with the Court's instructions to provide a current address for the sole defendant in this action, Manuel Tajon, or to show cause why the action should not be dismissed.

On March 9, 2018, Reyerros filed a civil rights action under 42 U.S.C. § 1983 against Manuel Tajon, a psychologist once employed at Salinas Valley State Prison. On July 20, 2018, the Court issued an order of service. (Dkt. No. 9.)

The service order was returned unserved because Tajon was no longer employed at Salinas Valley and could not be located by his former employer. (Dkt. No. 13.) The Court directed Reyerros to provide a current address for Tajon, in orders dated October 30, 2018 and February 7, 2019. (Dkt. Nos. 15 and 19.) In these orders, Reyerros was warned that if a complaint is not served within ninety days from the filing of the complaint, it may be dismissed without prejudice for failure of service. (Dkt. 15 at 1; Dkt. 19 at 2) (citing Fed.

1 R. Civ. P. 4(m)). He was also informed that

2 he is responsible for providing the court with current addresses for any and
3 all Defendants so that service can be accomplished. *See Walker v. Sumner*,
4 14 F.3d 1415, 1422 (9th Cir. 1994); *Sellers v. United States*, 902 F.2d 598,
5 603 (7th Cir. 1990). While Plaintiff may rely on service by the United States
6 Marshal, or in this case, the procedure for requesting a defendant to waive
7 the service requirement, 'a plaintiff may not remain silent and do nothing to
8 effectuate such service.' *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir.
1987). When advised of a problem accomplishing service, a pro se litigant
must 'attempt to remedy any apparent defects of which [he] has knowledge.'
Id.

9 (Dkt. No. 19 at 1-2.)

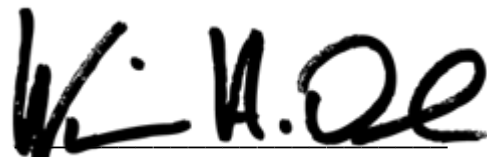
10 In March 2019, the Court granted Reyerros's request for an extension of time and
11 gave him until May 7, 2019 to provide a current address for Tajon. (Dkt. No. 21.) He was
12 again warned that failure to respond by the new deadline would result in the dismissal of
13 the suit.

14 Reyerros has not responded to the Court's order. Therefore, he has failed to show
15 cause why this complaint should not be dismissed without prejudice pursuant to Rule 4(m).
16 *See, e.g., Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994). Accordingly, the
17 complaint is DISMISSED without prejudice pursuant to Rule 4(m).

18 The Clerk shall enter judgment in favor of defendant and close the file.

19 **IT IS SO ORDERED.**

20 **Dated:** July 12, 2019



21 WILLIAM H. ORRICK
22 United States District Judge
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